

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

MDL No. 13-2419-RWZ

This Document Relates To:

All Actions

UNOPPOSED MOTION TO EXTEND STAY OF DISCOVERY

The Plaintiffs’ Steering Committee (hereinafter “PSC”) hereby submits this unopposed motion to extend the stay of discovery in any action against clinic-related defendants with 5 or fewer cases (hereinafter “small clinic defendants”) currently in place to June 1, 2016.

In support of this unopposed motion, the PSC states as follows:

1. On July 9, 2015, the Court set a preliminary discovery schedule for all parties.¹
2. At the time the order was issued, the Court had not decided whether it would conduct bellwether trials and scheduled the close of discovery for actions against the St. Thomas Defendants, St. Thomas Entities and the Tennessee Clinic Defendants (collectively “Tennessee Defendants”), the first cases to go to trial, in December of 2015.²
3. Additionally, the Court ordered that fact and expert discovery in any action against small clinic defendants be stayed until December 31, 2015; after the close of discovery for actions against the Tennessee Defendants.³

¹ See Dkt. No. 2075.

² *Id.*

³ *Id.*

4. The Court has since ruled that it would conduct bellwether trials, that the actions against the Tennessee Defendants will be the first candidates for the bellwether trials and on November 24, 2015, issued an order scheduling the close of discovery for those actions on March 4, 2016.⁴

5. In order to allow the Court and the parties to efficiently focus their attention and resources on the first bellwether trials, the stay of discovery for all actions against small clinic defendants should likewise be extended until after the first Tennessee Defendant cases are tried.

6. The PSC has conferred with counsel for several of the small clinic defendants and have agreed that the stay should be extended until June 1, 2016.

Wherefore, the PSC respectfully requests that the Court grant its unopposed Motion and enter an order extending the stay of discovery in any action against clinic-related defendants with 5 or fewer cases to June 1, 2016.

Date: December 28, 2015

Respectfully Submitted,

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⁴ See Dkt. No. 2435.

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CERTIFICATE OF SERVICE

I, Kimberly A. Dougherty, hereby certify that I caused a copy of the above *Unopposed Motion to Extend Stay of Discovery* to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: December 28, 2015

/s/ Kimberly A. Dougherty
Kimberly A. Dougherty, Esq.